

M'GOWN DECISION STIRS UP SOCIETY.

Lawyers Also Consider the Matter and Come Out for a National Law.

Declare the Justice's Views Are Sound and Quote Rulings in Other Cases.

Many Leaders of the New York Titled Set Broke Ties in Dakota and Remarried in This State.

The Journal told, elaborately, yesterday, of Justice Russell's refusal to recognize in this State the validity of a divorce granted in North Dakota. That decision, from many points of view, is the most important handed down in these courts for years. From a human point of view it is the most interesting. Good lawyers say it is good law. Nevertheless it may be appealed to a higher court—the learned judges of the Appellate Division of the Supreme Court. If it stands it will render the marriage the more binding in this State. Its retroaction may lead to all kinds of complications. For many men and women, lights of fashion, to whom many poorer men and women have looked up as guides and models, have been divorced under the laws of Western States and have remarried. And they are now living in what they thought, and every one thought, to be honorable wedlock.

These curiously complicated marriages and divorces have again and again been ventilated in the courts. Then they are forgotten. But as often as they occur, the lawyers say, they emphasize the need of a Federal law, a law that will, of necessity, stand good in every State and Territory of the United States. The truth of that is the clearer because the lawyers say it. The passage of such a law would deprive them of some highly lucrative practice.

This is, in fact, a solemn decision. Yet a ray of sun penetrates its legal dignity and importance. Try to imagine the despair it will bring to the lawyers and the hotel keepers and those who have houses to rent in the Dakotas, or in Oklahoma, or wherever else it has been so easy to get a divorce after a few months' residence. Some thriving towns may go out of existence, some flourishing lawyers may throw away Blackstone and with pick and shovel seek to strike another gold mine.

Justice Russell's Explicit Words.

To briefly repeat the facts in the case that called forth Justice Russell's ruling: Harry McGowan sued his wife, Mary Emma McGowan, or Mary Emma Bell, as she now calls herself, for absolute divorce. The McGowans were married in this city in 1886, and have one child, eighteen months old. Mrs. McGowan went to North Dakota on April 24 last and took up her residence in Fargo. She remained there ninety days and obtained a divorce from her husband. She then married Harry W. Bell, who had been with her when she was Mrs. McGowan. McGowan was not represented in the Dakota divorce proceedings; the papers, however, had been served on him here.

As soon as McGowan heard of the marriage he began a suit for absolute divorce from his wife in these courts and named her new husband as co-respondent.

Said Justice Russell after reviewing these facts:

"Henry McGowan and Mary Emma McGowan were husband and wife. Neither of them could voluntarily free himself or herself from those obligations. It could not be done by mutual consent. It could not, under the laws of this State, be done by evasive action designed to circumvent the public policy of the State of New York in respect to what is regarded the sacred obligations of marriage."

The Judge then said that for the purpose of obtaining a divorce, "and for that purpose alone," she leaves the State of New York and goes to the State of North Dakota, where a divorce may be obtained upon a residence of ninety days, and where no inquiry seems to be made upon the subject as to whether that residence was acquired for the purpose of obtaining a divorce or for the purpose of obtaining a permanent residence.

"By the laws of North Dakota, therefore, she is the lawful wife in that State of Mr. Bell. By the laws of the State of New York she is the lawful wife of Mr. McGowan. Now, that inconsistent relation is something that is very difficult to obviate, but I know of no way, except by adhering first to the ancient rule of the State of New York that the marital tie cannot be dissolved by such actions on the part of either person to that contract, no matter what the consequences are; therefore I say that under the laws of this State, under the decisions of this State in the highest courts, this lady is yet the lawful wife of the plaintiff in this action."

"Therefore, if she has lived in the marital relation with another man, she has violated that obligation, which gives just cause to her husband for a divorce. Now, that divorce obtained, what follows? The marital tie is dissolved, not only in the State of North Dakota, but also in the State of New York, and all that remains is the usual prohibition against the party marrying again."

In other words, according to the learned Justice, Mrs. Bell is now free in North Dakota. She cannot become Mrs. Bell here because the laws of this State forbid a woman who has been put away by divorce to marry. But she can now return, if she pleases to South Dakota and again marry Bell. For in the mercy and justice of the law, looking to any innocent offspring by the second marriage, Justice Russell added:

"The instant the decree of divorce is obtained in this State, so far as I can discover, there is no State in the Union where these parties may not be regarded as divorced from each other. How far that prohibition will extend in the State of New York to anything like questions of property I do not undertake to say; nor is it necessary."

I have no doubt that under the present laws a divorce obtained in the State of New York, obtained by the husband, without collusion, for a just cause, the marital tie being dissolved, hereafter this lady, having obtained a divorce in South Dakota and there married, under the policy of that State, any issue of that second marriage would be legitimate anywhere.

Said Justice Russell himself yesterday: "I think it would be an admirable thing if the marriage and divorce laws of this country were in the hands of Congress."

Lawyers Agree with Him.

Here is Frederick B. House's opinion of a Federal law, and Mr. House has had much practice in the divorce courts.

"In this State," said Mr. House, "the divorce laws are most stringent, but in other States they amount to nothing. You can get a divorce in this State upon any ground, while in other States you can get one on almost any ground, or upon no ground at all."

"There should be a Federal enactment by which the whole of these United States would have the same marriage and divorce laws. Then a man married in New York State would be married everywhere, and a man divorced in New York State would be divorced everywhere."

"Such a law would do away with common-law marriages, and the fair name of many a good man would be saved. Now, always, any woman can come forward with a child and declare that she was the common-law wife of some man. The man is dead and cannot answer his accuser. His family is shocked and mortified, and his rights and property that should come to them."

"If Congress has not the power to pass such a law, I think there should be a meeting of the Governors of the States, in which some agreement could be arrived at to give to their different States the same divorce and marriage laws."

Decision Not New.

And mighty good lawyers commend and endorse Justice Russell's opinion.

"The ruling of Mr. Justice Russell," said Lawyer Abraham Levy yesterday, "is in accordance with the established law of New York State. The decisions in this State uniformly have been that where a divorce was rendered in another State against a resident of this State, there being no personal service of process within the State, and the resident of this State, husband or wife, as the case may be, not having been notified of the proceedings, the divorce was invalid and inoperative within our territory. One of the latest cases, sustaining this contention, was passed upon by the Court of Appeals in the case of *Williams vs. Williams*, and is to be found in the New York Reports, volume 130. This position was also upheld in earlier cases, such as *De la Motte vs. De la Motte*, and *De la Motte vs. De la Motte*, reported in the 101st New York. In *Jones vs. Jones*, reported in the 108th New York, and in *Cross vs. Cross*, reported in the same volume. Then there is also the earlier case of the *People vs. Baker*, reported in the 101st New York.



New York Society Women Who Secured Western Divorces.

Justice Russell's explicit words on the extra-territorial jurisdiction of divorce courts in other States than New York, showing the relations divorces who have remarried bear to each other, has thrown society into a flutter because so many leaders of the fashionable world who resorted to Dakota divorces and New York marriages, now find themselves occupying anomalous and embarrassing positions. Many of them will now probably be compelled, for their own peace of mind and pocketbook, to properly locate themselves in a legal way, so they may know the status of their children and their property.

GOULD NURSE MARRIED.

Miss Mary Elise Boldicks Wedded to the Chief Engineer of the Yacht Atlanta.

All Saints' Episcopal Church, Lakewood, N. J., was the scene of a pretty wedding on Wednesday at 1 o'clock. Miss Mary Elise Boldicks, who had been the nurse of Kingdon and Jay Gould for the past eight years, was married to Robert Stewart Boldicks, of Brooklyn, the chief engineer of George J. Gould's steam yacht Atlanta.

The bride, who was dressed in white satin tulle, veil and orange blossoms, entered the church on the arm of Mr. Gould. She was attended by Miss Elsie Wright, who acted as bridesmaid and who wore a pale gray crepon dress trimmed with white satin and carried pink roses. The groom, with the groomsmen, Mr. E. J. Moss, met the bride at the altar. The Rev. D. L. Schwartz read the first Episcopal marriage service and the bride was given away by Mr. Gould.

The church was well filled, the entire Gould household being present and many friends and relatives of the bride and groom, about forty, having come from Brooklyn to attend the ceremony. Mrs. Gould had a wedding breakfast of fifty covers served at her cottage, Hilltop, for the newly married couple.

The bride was the recipient of many handsome presents. Mr. Gould's gift was a substantial check. Mrs. Gould gave a silver and enamel clock, a silver bowl and cream pitcher. Mrs. Kingdon gave a silver vase. Mrs. Gould's mother, presented the bride with her gown and a beautiful silver toilet set. Kingdon and Jay Gould's gifts were a dinner set and a brass tea kettle. William Willis, Mr. Gould's coachman, presented the couple with a handsome clock, and a silver vase. Other members of the household were generous in their gifts.

The groom, who is a widower and twenty years older than the bride, has a comfortable home in Brooklyn.

Lectured on "A Day in Venice."

Professor John F. Weir, director of the School of Fine Arts in Yale University, delivered an illustrated lecture entitled "A Day in Venice" at the Metropolitan Museum of Art yesterday. The professor, by means of his stereoscopic, took his audience to the Venice of today, and as he gave a historical description of each. Among the most notable places visited was the Doge's Palace. He described the decorations of the interior, which were painted by the old artists.

Lithuanian Starts Eastward.

San Francisco, Dec. 19.—The Queen Lithuanian had left this evening for the East. She will go direct to Boston, it is given out, and not to Canton or Washington. In Boston she will visit the relatives of her late husband. Where she will go from Boston is unknown, but it is stated that it will probably be to Washington and later to England.

HELPLESS WOMEN AT ASSASSIN'S MERCY.

Farmer Stunned, His Mother Chloroformed, Two Sisters Bound.

Thomas Fulton's Lonely Farmhouse Near Pine Plains Invaded by Three Armed Robbers.

One Shot Fired at Loretta Fulton, Breaking a Lamp Which She Hurlled at Her Assailant in Defence of Her Mother.

A melodramatic robbery under arms has stirred Dutchess County as it has not been stirred for years. The scene of the crime was a lonely farmhouse near the village of Pine Plains, which is about sixteen miles from Poughkeepsie.

Chloroform, pistols and rope figure in the story. The chloroform was used to still the frightened cries of a decrepit old woman, crazed by the sight of her daughters at the mercy of three murderous ruffians. One of the pistols was used to fire point blank at a defenceless spinster, and another to stun the sole defender of three women. The rope was used to bind the victims of the invasion while the robbers looted the house at their leisure.

If the farmers round about Pine Plains could only catch the fugitive robbers there

Farmer Fulton is sixty, but a strongest man in his county. He is self on the intruders, and knocked of the revolvers. As he did so, the butt end of the other one fell on his gray head and sent him spinning to the floor.

The three women had fled into the dining room like a covey of partridges, and yelled vehemently enough to have aroused two city blocks. But Pine Plains continued to slumber, and the only response came from the third robber, who had forced an entrance by the front door.

At the noise of his coming, Loretta Fulton, the elder of the sisters, looked around her for a weapon. There was none. Where she crouched in terror, uttering the inarticulate cries of a frightened child or animal. The sight of her soul sister, as she thought at the time and of her daughters' peril, had robbed her of reason.

Loretta Fulton took up her station in front of the white-haired woman, in the attitude of a lioness defending its young. It is possible that even for a farm-house maid to be heroic in a crisis. The third robber appeared at the door, pistol in hand.

"Stop that racket," he commanded, "or I'll pump some lead into you."

In her desperation Loretta had seized the lamp. Whether the robber interpreted this as an aggressive movement, or whether he meant to kill in cold blood cannot be told. At all events, he fired point blank at Loretta, as she stood facing him.

The bullet shattered the burner, extinguishing the flame and plunging the room into total darkness.

Loretta's Defence.

Loretta rose to the occasion. There was nothing left for her but to hurl the broken lamp in the direction of the assailant. She hurled it. But with the proverbial aim of her sex, she merely created a great crash, and—as was seen at daylight—a stain of oil on the wall. But the throwing of that lamp was Loretta Fulton's defence in the teeth of evidence, and she believed that her last hour had come, and she meant to die fighting.

In the meantime the first two robbers had lifted the inanimate farmer to a chair in the kitchen and tied him fast with stout rope. They had just begun their task when the third robber crashed from the dining room running in that direction. Room to the darkness. They went back to the kitchen.

The situation was simple. On the one hand were three women, on the other three men. One of the women was feeble, and insane with fright. The other two were unarmed and weak from the shock of what had happened. The men had pistols. They did not prove to be especially easy, however. Rope was more to their liking. The sisters dared not struggle, for fear they might be slain. They did not know but what their brother was dead.

"Spare our mother! Don't hurt the old woman!" they moaned, as they submitted to being bound. One sister, who did not know but what her brother was dead, said: "We won't let her," said one of the men. "But she is making too much noise, so we'll have to silence her."

Old Mrs. Fulton Chloroformed.

The old woman was still rocking herself to and fro in the corner, staring at the strangers with terror in her eyes, and crying at the top of her feeble voice. One of the robbers took a bottle and a sponge from his pocket, and walked over to her. She shrank from him as he bent over her, but he did not desert his duty. One of the robbers took a bottle and a sponge from his pocket, and walked over to her. She shrank from him as he bent over her, but he did not desert his duty. One of the robbers took a bottle and a sponge from his pocket, and walked over to her. She shrank from him as he bent over her, but he did not desert his duty.

For some hours the three men who were so nearly murderers ransacked the farmhouse in search of a hoard. They were deceived. If Fulton kept his savings in a house, they did not discover his hiding place. The farmer came to his senses while they were turning the kitchen upside down. He saw the robbers, and he saw his wounds gave him fearful pain. Moreover his position was a cramped one, and the ropes with which he was bound cut a neighbor's hand. They he begged to free him, but they laughed at him.

"Tell us where you keep your money," they said.

They found a gold watch, some silverware, \$20 in cash, a sack of money, and a small box of jewelry. They were all they deemed worthy carrying away. But they were angry. The pantry was well stored, and they did not feel time to be pressing, with three of their victims bound and the fourth chloroformed. Fulton groaned with pain, and the robbers, who were bound to free him, but they laughed at him.

"Tell us where you keep your money," they said.

The Strangers Arrive.

At 8 o'clock on Friday evening, Fulton was sitting in the farmhouse kitchen with his old mother and two spinster sisters. They were just thinking of going to bed when there came a knock at the kitchen door. Farmer Fulton obeyed the summons, and the two spinster sisters followed in procession behind him, one carrying a lamp and the other a poker.

Three strangers were at the door. The elder of the spinster sisters declared today that an Irish jury would hang them without waiting for evidence.

"Can you put us up to the night, old man?" said one of the strangers—one with a crooked eye.

"Land sakes!" gasped the spinster sisters in chorus. "Thomas, if you—"

But Thomas was diplomatic.

"Why, I'm sorry, strangers," he said, "but the hired men take up all our beds, and we have no room for lodgers."

The sisters gasped again, but this time with admiration at their brother's generalship.

"Well, give us a drink of water," growled the man with the crooked eye.

The Fultons chuckled gleefully when the strangers had drunk some water and taken themselves off, and the farmer's mother and sisters complimented him again and again on the brilliant fiction of the hired man asleep in their little beds. Thus diverted, the Fultons stayed up another half hour. Then came a second knock. Fulton opened the door again, supported as before by his sisters.

The Attack on Farmer Fulton.

The cold muzzles of two pistols were thrust against the farmer's cheeks and the two men behind the pistols forced their way into the kitchen. They were two of the men who had demanded lodging.

Ireland Calls on McKinley.

Chicago, Dec. 19.—Major McKinley spent the night at Evanston and returned by rail to Chicago this morning. Archbishop Ireland called on him at noon and had a long and pleasant chat with him. General Wesley Merritt and his staff also called on Major McKinley shortly after 12 o'clock.

Brazil Will Not Recognize Cuba.

Madrid, Dec. 19.—The Government is informed that Brazil has formally declared that she will not recognize the Cuban as belligerents, and that the Brazilian Government has taken measures to prohibit Italians from embarking for Cuba.